

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY

Sp
JUL 13 2005

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Jackson

BERNADETTE CUNNINGHAM, et al.,

Plaintiffs,

v.

MICHELIN NORTH AMERICA, INC., et al,

Defendants.

NO.: 04-1144-T-An

AMENDED RULE 16(b) SCHEDULING ORDER

The parties have conferred and the following dates were established as the final dates for:

FILING DISPOSITIVE MOTIONS: October 21, 2005

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: January 13, 2006
- (b) for Defendant: January 23, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response,

or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

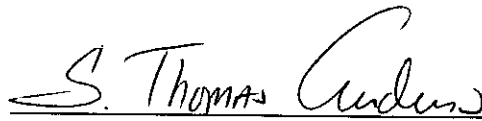
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: July 12, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 60 in case 1:04-CV-01144 was distributed by fax, mail, or direct printing on July 13, 2005 to the parties listed.

Kirk A. Caraway
ROSENBLUM & REISMAN
80 Monroe Ave.
Ste. 950
Memphis, TN 38103

David L. Bearman
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Jonathan O. Steen
ARMSTRONG ALLEN, PLLC
464 North Parkway
Ste. A
Jackson, TN 38305

Robert Redding
ARMSTRONG ALLEN, PLLC
464 North Parkway
Ste. A
Jackson, TN 38305

Robert P. Alpert
MORRIS MANNING & MARTIN
3343 Peachtree Rd., NE
Atlanta, GA 30326--104

A. M. Quattlebaum
NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.
104 South Main St., Ste. 900
P.O. Box 10084
Greenville, SC 29601

Andrea Laginess Moody
BOWMAN & BROOKE
50 West Big Beaver Rd.
Troy, MI 48084--529

Russell Marlin
EUBANKS & ASSOCIATES
708 W. Second St.
Little Rock, AR 72201

T. Michael Lee
EUBANKS & ASSOCIATES
708 W. Second St.
Little Rock, AR 72201

Susan J. Warren
MORRIS MANNING & MARTIN
3343 Peachtree Rd., NE
Atlanta, GA 30326--104

Joe S. Moore
Circuit Court Clerk
Haywood County Cthse.
Brownsville, TN 38012

John R. Tarpley
LEWIS KING KRIEG & WALDROP, PC
201 4th Avenue North
Ste. 1500
Nashville, TN 37219

Jeffrey S. Rosenblum
ROSENBLUM & REISMAN
80 Monroe Ave.
Ste. 560
Memphis, TN 38103

Gary Holt
EUBANKS & ASSOCIATES
708 W. Second St.
Little Rock, AR 72201

Elizabeth C. Helm
MORRIS MANNING & MARTIN
3343 Peachtree Rd., NE
Atlanta, GA 30326--104

Fred J. Fresard
BOWMAN & BROOKE
50 West Big Beaver Rd.
Troy, MI 48084--529

Honorable James Todd
US DISTRICT COURT